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APPLICATION NO).	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,192	·	03/02/2004	Todd O. Bolken	4794.4US (01-0185.04/US)	1966
24247 7590 08/08/2006		08/08/2006	EXAMIN		INER
TRASK BRITT				ZARNEKE. DAVID A	
P.O. BOX 2550 SALT LAKE CITY, UT 84110		, UT 84110		ART UNIT	PAPER NUMBER
				2891	
				DATE MAILED: 08/08/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. Application Application No. Application Applicat							
Examiner David A. Zameke 2891 2914 A. Zameke 2891 2914 A. Zameke 2891 2914 A. Zameke 2891 A. SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Examiners of the region is environmental to under the protections of 37 CFR 1.136(a). In no went, Inswerer, may a reply be timely filed 11 HO period for reply is specified above, the maximum statety priod will apply and will expire (S) (8) MONTHS from the mailing date of this communication. Fairn to reply which he set or extended period for reply will, by shafter, desure the application to become ABANCONED (30 U.S.C. § 130). Particular to septiment the set or extended period for reply will, by shafter, desure the application to become ABANCONED (30 U.S.C. § 130). Particular the femaling date of this communication. Fairn to septy which he set or extended period for reply will, by shafter, desure the application to become ABANCONED (30 U.S.C. § 130). Particular this action is FINAL. 20		Application No.	Applicant(s)				
David A Zameke David A Jameke A Zameke David Bave A Zameke David Bave A Zameke David Bave A Zameke David Bave A Zameke		10/791,192	BOLKEN, TODD O.				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address ¬ Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Edentions of time may be abrilled under the provisions of 37 GFt 1:13(b). In no event, mover, may a reply be timely filled and the control of the communication. The provision of the communication o	Oπice Action Summary	Examiner	Art Unit				
A SHORTENDE STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - and 190 (8) MONTHS from the mailing date of this communication. - if No prince to reply is specified above, the maximus attacky period will apply and will aspire sky (8) MONTHS from the mailing date of this communication. - Failure to reply whith the set or extended period for reply will, by statute, cause the application to become ABMONED (39 U.S. C. § 133). - Failure to reply whith the set or extended period for reply will, by statute, cause the application to become ABMONED (39 U.S. C. § 133). - Failure to reply whith the set or extended period for reply will, by statute, cause the application to become ABMONED (39 U.S. C. § 133). - Failure to reply whith the set or extended period for reply will, by statute, cause the application to become ABMONED (39 U.S. C. § 133). - Failure to reply whith the set or extended period for reply will, by statute, cause the application to become ABMONED (39 U.S. C. § 133). - Failure to reply whith the set or extended period for reply will, by statute, cause the application to become ABMONED (39 U.S. C. § 133). - Status - The set of this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. - Disposition of Claims - 4) Claim(s) 1-17 is/are pending in the application. - 4a) Of the above claim(s)		1					
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the proxima so of 37 CPR 1.13(e). In nevent, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. If NO peeds or may be specified adver. the maximus stations year of will apply and will explice SIX (8) MONTHS from the mailing date of this communication. Any reply reserved by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any seared patient than adjustment. Sea 37 CPR 1.704(b). Status 1)⊠ Responsive to communication(s) filed on 19 May 2006. 2a)□ This action is FINAL. 2b)⊠ This action is non-final. 3)□ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 Q.G. 213. Disposition of Claims 4)⊠ Claim(s) 1-17 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5)□ Claim(s) 1-17 is/are rejected. 7)□ Claim(s) is/are allowed. 6)□ Claim(s) is/are allowed. 6)□ Claim(s) is/are objected to. 8)□ Claim(s) is/are objected to. 8)□ The specification is objected to by the Examiner. Application Papers 9)□ The specification is objected to by the Examiner. 10)□ The drawing(s) filed on is/are: a)□ accepted or b)□ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. Sea 37 CPR 1.121(d). 11)□ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12)□ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a)□ All b)□ Some * ○□ None of: 1.□ Certified copies of the priority documents have been received in Application No 3.□ Copies of the certified copies of the priority documents have been r		pears on the cover sheet with the c	orrespondence addre	ss			
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12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 5) Notice of Informal Patent Application (PTO-152)	11)☐ The oath or declaration is objected to by the Ex	caminer. Note the attached Office	Action or form PTO-	152.			
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DETAILED ACTION

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Response to Arguments

It is agued that the factual basis for the double patenting rejection were not set forth in the previous office action. These will be detailed below.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and In *re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-17 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-17 of U.S. Patent No. 6,730,995 and claims 1, 3, 4, 5, 9, 12, 13, 16-18, 20, 22, 23, 29, 30, 33, and 34 of US Patent 6,538,311.

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Although the conflicting independent claims are not identical, they are not patentably distinct from each other because:

- 1) the patents recites "printed circuit substrate" while the application recites "substrate". The application is broader than the patents, therefore it reads upon the same component.
- 2) the patents recites a 'circuit side" and a "back side" while the application recites a "first side" and a "second side". The application is broader than the patents, therefore it reads upon the same components.
- 3) the patents recite "a peripheral substrate edge joining the back side to the circuit side, while the application is silent regarding this. Again, the application is broader than the patents, therefore it reads upon the same components.
- 4) the patents merely uses different language to say the same thing with regard to the "first plastic molding", which equates to the "encapsulated semiconductor component" of the application, and the "second plastic molding", which equates to the "molded peripheral portion".

the remaining claims correspond as follows:

Application	6,730,995	6,538,311
2	2, 11	3
3	3, 12	5
4	4	6
5	5, 13	9
6	6, 14	12

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7	7, 15	13
8	8, 16	16
9	9, 17	17
10	10	18
11	11, 2	20
12	12, 3	22
13	4	23
14	14, 6	29
15	15, 7	30
16	16, 8	33
17	17, 9	34

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David A. Zarneke whose telephone number is (571)-272-1937. The examiner can normally be reached on M-Th 7:30 AM-6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Baumeister can be reached on (571)-272-1722. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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David A. Zanteke

Primary Examiner

July 26, 2006